

**WILLIAMSBURG CITY COUNCIL
MINUTES
MAY 8, 2003**

The Williamsburg City Council held its regular monthly meeting on May 8, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Nester, Hudson, Serra, and Walentisch. Assistant City Manager, Jodi Miller, was attending Leadership Historic Triangle.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland Moved Approval of the City Council Minutes of April 7 and April 10, 2003. The Motion Was Seconded By Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

MATTERS OF SPECIAL PRIVILEGE

Mayor Zeidler said that she and Paul Hudson, Director of Parks and Recreation, attended the grand opening ceremonies for the Williamsburg Youth League at the invitation of Mr. Dan Clayton, President of the League. The Youth League was celebrating its 50th Anniversary. Mayor Zeidler said she was proud to have received a plaque recognizing the city for its support of youth baseball from 1953 to 2003. Mr. Hudson thanked the League and said that Kiwanis Park would continue to be used for athletics for the youth of our community.

Mayor Zeidler thanked Mr. Clayton for the plaque, for his service to the Youth League, and for serving as President.

PUBLIC HEARINGS

Yellow Cab of Williamsburg, Request to Increase from 14 to 18 Taxi Cabs

Reference for this item was Mr. Tuttle's report dated April 30, 2003, which included a copy of the application from Yellow Cab of Williamsburg, requesting to increase the number of licensed taxi cabs from 14 to 18. Yellow cab requested the increase because the demand for taxis has increased. Mr. Tuttle said that the public hearing was advertised as required and that staff supports the request.

Mayor Zeidler opened the public hearing.

Hamed Juma, resident of Chisel Run, James City County, stated he was a driver for Yellow Cab of Williamsburg. He said that it was not pleasant for people who work in

Williamsburg and cannot get cab service as needed. Yellow Cab leases their cabs to the drivers. Drivers who work for Yellow Cab do not answer all calls for cabs. They choose which fares to pick up, the trips that mean more money. Mr. Juma said there is a need for more cabs and competition.

Michael Hall, Manager for Yellow Cab of Williamsburg, said he has been strongly recruiting additional cab drivers. In the first quarter, the demand for cabs has increased 39 percent, driving the need for more cabs. More cabs will increase response time.

No one else wished to speak. The public hearing was closed.

Discussion followed the public hearing. Mr. Phillips responded to Mr. Houghland that Yellow Cab is responsible to the city for seeing that drivers and taxis comply with the city's ordinance. If they do not, they are in violation of their franchise and the franchise should be terminated. Mr. Tuttle said that he would be happy to meet with Yellow Cab and the drivers to discuss the matter. Mr. Tuttle and Ms. Crist reported that few complaints have been received by the city. They have not heard about the dispatching complaints and noted that violations would be investigated.

Mr. Haulman suggested the city's resident newsletter contain information about the responsibilities of the cab companies and where to lodge a complaint. Mr. Tabb noted that he was pleased that the city does not have to worry about cab driver safety as in some localities. Mr. Scruggs suggested that the driver identification be displayed in the cab. He appreciated the work of the cab drivers.

Mr. Phillips said the counties do not regulate taxicabs because they do not control their streets (State roads).

Council members concurred that the increase in cabs is necessary to keep up with growth, especially during tourist season.

Mr. Scruggs Moved That City Council Approve the Request of Yellow Cab of Williamsburg to Modify the Certificate of Public Convenience and Necessity for Yellow Cab of Williamsburg From Fourteen to Eighteen Cabs, Subject to Safety and Taximeter Inspections as Coordinated by the Williamsburg Police Department. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Request of Yellow Cab to Increase the Mileage Rate for Taxis from \$.20 to \$.25 per 1/6 mile, Proposed Ordinance #03-12

Reference for this item was Mr. Tuttle's report dated April 29, 2003, which included a copy of the proposed ordinance and rate sheet. Mr. Tuttle noted that after reviewing the rate structuring on the Peninsula, the requested increase in the mileage rate is reasonable.

The Mayor opened the Public Hearing.

David Asbury, Lot 22, Mobile Lane Trailer Park, said that he is planning on starting a new cab service in the name of "Williamsburg Taxi," and commented about Yellow Cabs not picking up fares from certain locations or not on time. More cab service is needed for the public. He submitted a petition of signatures and comments regarding the need for more cab service (see attached).

Michael Hall, Manager, Yellow Cab of Williamsburg, commented that the metered mileage rate and waiting time charge have not been increased in many years.

No one else wished to speak. The public hearing was closed.

Mr. Haulman Moved That City Council Approve Proposed Ordinance #03-12 To Amend the Rates Permitted Under Section 20-127. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(SEE ADOPTED ORDINANCE #03-10)

BUDGET ADOPTION

Budget for the Fiscal Year Commencing July 1, 2003, Resolution #03-08

Schedule A--Proposed Budget; Schedule B--Local Tax Levy; Schedule C--Capital Improvements

Increase in Water Rate, Proposed Ordinance #03-05

Cigarette Tax, 25 Cents/Pack of 20, Proposed Ordinance #03-06

Wireless Telecommunication Service Tax (cellular phones), Proposed Ordinance #03-07

Reference for this item was a package of budget documents, which included the proposed resolution, and proposed ordinances for the increase in water rate, proposed cigarette tax, and proposed wireless telecommunication service tax.

Mr. Phillips said that Council could address the proposed budget resolution and proposed ordinances together. Mr. Tuttle explained that Council held a public hearing on the proposed items and that there were no additional changes to the proposed budget other than the appropriation for tourism marketing.

The Mayor commented that Council has discussed the budget thoroughly and are familiar with the budget content.

Mr. Houghland Moved that City Council Adopt Proposed Resolution #03-08 Budget Adoption Fiscal Year 2003-2004 (Schedules A, B, and C),

Proposed Ordinance #03-05, An Ordinance to Amend Section 19-76(a) of the Code of the City of Williamsburg Governing Water Charges,

Proposed Ordinance #03-06, An Ordinance Amending Chapter 18, Taxation, of the Code of the City of Williamsburg, Virginia, by Adding Article XI to Impose a Cigarette Tax, and

Proposed Ordinance #03-07, An Ordinance Amending Chapter 18, Taxation, Article VI, Utility Taxes, Division 4, of the Code of the City of Williamsburg, Virginia, by Adding Section

18-210, Mobile Local Telecommunications Services. The Motion Was Seconded by Mr. Tabb.

Mr. Tuttle, at the request of Mr. Tabb, explained the language of the proposed ordinance regarding the tax on cellular phone usage and how the tax would be remitted. Mr. Haulman commented that in order to provide quality services, revenue is required. The city is being responsible; he wished the State would do the same.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None (SEE ADOPTED RESOLUTION #03-08, ADOPTED ORDINANCES #03-07, #03-08, and #03-09)

REPORTS

Monthly Financial Statement

The Monthly Financial Statement was received and ordered filed.

Mr. Tuttle said he would have a better understanding of the current fiscal budget balances at the end of May and June. Council was encouraged by reports that tourism seemed to be increasing.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Mr. Scruggs observed that parking ticket violations have increased 25 percent.

Chief Yost said there was no specific reason for the sporadic increase in assaults and "drunk in public" violations.

City Manager Reports

Building Permit Fees

Reference for this item was Mr. Tuttle's report dated May 1, 2003, which included the proposed building permit fee schedule, effective July 1, 2003. Mr. Tuttle explained that the intent of the increase in fees was for the development community and property owners to more closely cover the cost of operating the new construction operations of the Code Compliance Division. It was estimated that the increases would generate an additional \$8,000-\$10,000 per year. The proposed fees were reviewed.

Mr. Catlett said that the city is moving in the direction of covering the costs of inspections of new construction and commercial property construction, which has rapidly increased. Building inspections tend to be cyclic. The mandatory Virginia Uniform Statewide Building Code regulates inspections, and one of its components is enforcement of the Code.

Mr. Scruggs commented that he was not in favor of the increase in fees; he was of the opinion that this was a tax. This is not a substantial amount of revenue, and the budget was just adopted without the increase in fees. He would like to have more information before voting.

Mr. Haulman supported the increase in fees and explained his reasons. Taxes are indirect. The proposed fees specifically cover an increase in construction activity required of city staff.

Mr. Catlett added that the city is trying to work towards being revenue neutral. In some localities, fees are revenue generating.

Mayor Zeidler supported Mr. Haulman's comments. Council has looked at the fees and actual costs, and the fees are incremental and fair. Mr. Houghland applauded Mr. Catlett for bringing this matter to Council. Mr. Scruggs appreciated the clarification and said he now understood that this was included in Council's goals.

Mr. Phillips clarified that building inspection functions provided by the city are not a service to property owners, but are mandated under State Law for the life, health, and safety functions that all governments must provide.

Mr. Haulman Moved That City Council Adopt the Williamsburg Building Permit Fee Schedule, Effective July 1, 2003. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(SEE ATTACHED FEE SCHEDULE)

Personnel Manual, Revision #6 and Proposed Resolution #03-07

Reference for this item was Mr. Tuttle's report dated April 30, 2003, which included copies of the revisions to Sections 401, 406, 708, and 303 of the Personnel Manual, as well as a copy of the proposed ordinance regarding the early retirement option.

Mr. Tuttle explained the proposed revisions to the Personnel Manual and recommended their approval:

1. Increasing Christmas Eve holiday from one-half day to full day.
2. Amending the Military Leave policy to amend the policy to include Involuntary Recall of Reservists to Active Duty.
3. Revise the entire section regarding Use of Personal Computers, Use of E-Mail and Use of Internet.
4. Revise the Retirement policy to include Retirement at age 50 with 30 years of service. This revision required a resolution passed by Council.

A brief discussion followed to clarify the policies and costs, if any.

Mr. Haulman Moved That City Council Adopt Personnel Manual Revision #6, and Proposed Resolution #03-07, Retirement at Age 50 with 30 Years Service. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(SEE ADOPTED RESOLUTION #03-07)

UNFINISHED BUSINESS

Request General Assembly to Change City Charter, Filling City Council Vacancies, Proposed Ordinance #03-08 (Deferred at April Council Meeting)

Mr. Phillips said that he had given much thought as to other alternatives or procedures in accordance with State Law. Most options are cumbersome, and in his opinion, would not improve the method of filling a Council vacancy over the present method.

If Council removes the current procedure from the Charter and uses the procedure by State Law, they may still have to make a long-term appointment prior to holding a special election. He would not recommend any other option.

Council members concurred to leave the City Charter as is, and other procedures are costly and not desirable.

Mr. Scruggs Moved That City Council Request the Clerk of Council to Remove Proposed Ordinance #03-08 Item from the Agenda. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Response to Outcome of HB 1678—Rental Housing Inspections, *Proposed Ordinance #03-11*

Council members received a copy of the proposed ordinance to amend and restate the original ordinance regarding registration and inspection of rental dwelling units that was adopted in November of 2002 (#02-30). Mr. Phillips said the changes in the ordinance address the concerns addressed in Richmond and some of the changes are just clean up and editing. No change was made out of the belief that the ordinances lack legality. He recommended that Council adopt the restated and amended ordinance.

Mr. Phillips said that the Attorney for the Virginia Association of Realtors, John G. Dicks, had concerns about the ordinance, and that he will meet with him.

At Mr. Phillips request, Chris Workman reviewed the changes to the ordinance regarding inspection at change of tenancy, conducting inspections, fees to be charged, and inspection of single family and multifamily rental housing.

Mr. Phillips reviewed the penalties for violations contained in the ordinance.

Mr. Houghland Moved Adoption of Proposed Ordinance #03-11, An Ordinance to Amend and Restate Ordinance #02-30 Originally Enacted on the 14th Day of November 2002, which Amended Chapter 5, Building and Building Regulations, of the Code of the City of Williamsburg, By Adding Article VII, Registration and inspection of Rental Dwelling Units. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(SEE ADOPTED ORDINANCE #03-11)

NEW BUSINESS

Appointments to Boards and Commissions

Mr. Houghland Moved that City Council Approve the Following Reappointments:

Mr. Jesse Tarleton to the Industrial Development Authority for a four-year term to expire June 8, 2007; and

Ms. Mary Gonzales to the Williamsburg Arts Commission for a three-year term to expire June 30, 2006, and

Mr. William H. Marshall to the Colonial Services Board for a three-year term to expire June 30, 2006, and

Ms. Shawn Holl to the Social Services Advisory Board for a four-year term to expire June 30, 2007; and

Recommend to the Judge of the Circuit Court the following reappointments to the Board of Equalization for a one-year term to expire June 30, 2004:

Jay Colley
Richard Mahone
Dennis Cogle
James E. Parker
Bobbye Alexander; and

*That City Council Approve the Appointment of **Mr. Oscar L. Prater** to the Industrial Development Authority for a four-year term to expire June 8, 2007. The Motion was Seconded by Mr. Tabb.*

Recorded Vote on the Motion:
Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb
No: None

Mayor Zeidler thanked all the citizens who serve on Boards and Commission for their service to the city.

Neighborhoods: Mr. Tuttle informed Council members that Chief Yost, Mr. Phillips, and he will meet next week with Mr. David Kranbuehl to discuss Mr. Kanbuehl's comments made at the May 5 work session regarding protection of neighborhoods. The city is addressing some of the issues raised. A letter will be sent to the utility companies from the city in an effort to sensitize them about the appearance and longevity of utility markings in neighborhoods. The property maintenance program is ongoing and noise complaints are being handled. The police department is being more sensitive to public areas where drinking in public is likely. Mr. Phillips will review the fine structure and law for nuisance enforcement. He may ask Council to consider an ordinance regarding disturbing the peace which carries a \$500 fine and up to six months in jail.

Mr. Scruggs asked about the responsibility of the College of William and Mary. Students are not to drink on college property, but yet they do off-campus. Perhaps students could be held accountable in some way.

Mr. Tuttle will update Council again in September .

OPEN FORUM

Mayor Zeidler opened the session.

David Kranbuehl commented that most of the students are great. Working with city staff is a pleasure and it will take everyone working together to get rid of the "cancer" in neighborhoods. He suggested that utility markings be cleaned up every three to four months.

Nanci Bond, 416 Suri Drive, congratulated the Mayor on receiving the Prentis Award. She asked for Council's support regarding the pedestrian crossing at Route 199 and Jamestown Road. She hoped that tourism-marketing efforts included interest in traveling by train and Amtrak.

Mr. Scruggs commented that the Visitors Bureau is working with Amtrak to put a package together.

David Asbury, Lot 22, Mobile Lane Trailer Park, asked if City Council would approve his application for Public Convenience and Necessity.

Ms. Crist responded to Council that Mr. Asbury's application was received past the deadline for the May Council meeting and is scheduled for a public hearing at the June 12 meeting.

No one else wished to speak. The session was closed.

CLOSED SESSION

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1 concerning appoints to Boards and Commissions, and one legal matter per subparagraph 7 for the purpose of consultation on specific legal matters requiring the provision of legal advice by counsel concerning tax exemptions. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

The meeting adjourned at 3: 54 p.m. (Mayor Zeidler called a five-minute recess.)

At 4:45 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr.Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Scruggs, Tabb, Houghland

No: None

CERTIFICATION OF CLOSED MEETING

Date: May 8, 2003

Motion: Mr. Houghland Second: Mr. Tabb

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:45 p.m.

Approved: June 12, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor